

Calderon, Wanda

From: McDonald, Colette <Colette.McDonald@arcadis.com>
Sent: Friday, October 26, 2018 10:31 AM
To: Calderon, Wanda
Subject: RE: Unperfected FOIA notice
Attachments: OTB Block Information submitted with FOIA.pdf

Hi Ms. Calderon,

I apologize for the vagueness of my previous request.

I would like to obtain a copy of the following public records:

The extent and type of contamination (i.e. chemicals, environmental hazardous conditions) on-site of OTB Block (Columbia, Washington, and Broadway Streets) located in Utica, NY 13502. Attached to this request are results from a database search that include the properties being listed on the US Brownfields database, however no information regarding the existing contamination on site was provided by that database.

I understand that if I seek a copy of this record, there may be a copying fee. Please inform me of that cost prior to making the copy. I can be reached at 716-667-6601.

If you require additional information, please let me know.

Thank you for your assistance on this matter.

Colette McDonald | Environmental Scientist I | colette.mcdonald@arcadis.com
Arcadis | Arcadis of New York, Inc.
50 Fountain Plaza, Suite 600, Buffalo, NY | 14202 | USA
T. +1 716-667-6601 | M. +1 518-522-7119

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Be green, leave it on the screen.

From: calderon.wanda@epa.gov <calderon.wanda@epa.gov>
Sent: Thursday, October 25, 2018 5:20 PM
To: McDonald, Colette <Colette.McDonald@arcadis.com>
Subject: Unperfected FOIA notice

USEPA, REGION 2
290 Broadway, 26th Floor
Public Affairs Division
New York, New York 10007

10/25/2018

Ms. Colette McDonald
Arcadis, U.S.
50 Fountain Plaza, Suite 600
Buffalo, NY 14202

Dear Ms. Colette McDonald,

This pertains to your FOIA request of 10/25/2018 assigned case number EPA-R2-2019-000843.

The FOIA requires that requests be made in conformance with published agency regulations and that they reasonably describe the records sought. 5 U.S.C. §552(a)(3)(A). We find that your request fails to meet the Agency's regulation at 40 C.F.R. 2.102(c) regarding reasonable description of records sought. Consequently, it is not a perfected request and no action can be taken until such time as it comports with the aforementioned requirement of reasonable description of records sought per the cited regulation.

Specifically, what you are seeking is essentially a request for research by Agency staff. The FOIA does not compel agencies to create records in response to requests.

Kissinger v. Reporters Comm. for Freedom of Press, 445 U.S. 136, 152 (1980). Similarly, agencies are not required to conduct research in response to requests. *Id.* at 160. Requests are outside the scope of the FOIA when they seek answers to specific interrogatories. *Lamb v. IRS*, 871 F. Supp. 301, 304 (E.D. Mich. 1994).

In essence, the federal courts have held that an "agency is not required to dig out all the information that might exist, in whatever format it might be found, and to create a document that answers plaintiff's questions." *Frank v. Department of Justice*, 841 F.Supp. 4, 5 (D.D.C. 1996).

You can visit us at www.epa.gov/foia for additional FOIA guidance or contact Wanda Calderon of my staff at 212-637-3668 for assistance. Thank you.

Respectfully,

/s/
Mary Mears
Public Affairs Director
U.S. EPA Region 2 (NJ, NY, PR, the US VI and eight Indian Nations)

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